



STATE OF MICHIGAN
4TH JUDICIAL CIRCUIT COURT

CHAD C. SCHMUCKER
CIRCUIT JUDGE

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January 30, 2003

Michigan Supreme Court
Clerk of the Court
PO Box 30052
Lansing, MI 48909

RE: ADM 2002-13
Interviews with Children

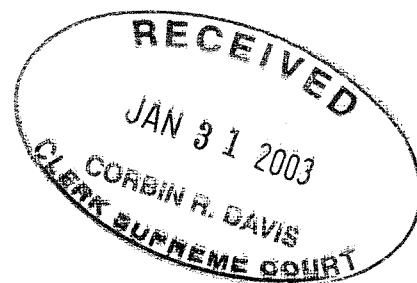
Dear Mr. Davis:

In my twelve years as a Circuit Court Judge, I have had dozens of interviews with minor children. I would like to share my perspective with the Court.

Almost all of the children who come to my office know why they are being interviewed. Almost all have been influenced, coached or "sanded" by one or both parents.

Please try and place yourself in the shoes of a child. You have been told that the Judge wants to know something about where you want to live. Whether you care or not, you view this as very important to one or both of your parents. You have never been in a courthouse before, much less in a Judge's chambers. You are told all of your life not to talk to strangers, and now you are talking to a strange man or woman whom you understand is very powerful. You know one or both of your parents are very nervous about what you are going to say. As you can imagine, this can be a very frightening experience for children, even teenagers.

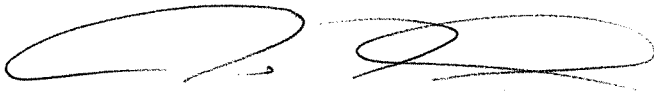
Some Judges meet with children alone and other Judges, such as I, insist on the presence of a staff member. I am opposed to a requirement that the interviews be recorded. If the recording cannot be done discreetly, the result is that children will be more intimidated and frightened by the process. My chambers are equipped with a video system and I am able to easily and discreetly tape an interview. Most Judges do not have such equipment. Bringing in a court reporter and equipment or placing a tape recorder on the desk will impair the quality and the openness of the interview.



On five or ten occasions I have interviewed children at their elementary schools. The children are more open and relaxed. If given the time, I would interview all children at their schools. If I were required to record the interviews at the school I would need to either have a recorder in open view, which I believe would effect the quality of the interview, or wear a "wire" like a confidential police informant, which I also do not want to do.

I am strongly opposed to any requirement that interviews be recorded. I support the proposal making recording discretionary.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Honorable Chad C. Schmucker
Circuit Court Judge

CCS/jeb